# IN THE UNITED STATES DISTRICT COURT Figure 1 (1) FOR THE DISTRICT OF MARYLAND (BALTIMORE DIVISION)

2019 NOV -6 PM 4: 03

MS. YING JIN &, MR. VICTOR H. SPARROW, III, 1616 Park Avenue Baltimore, Maryland 21217-4290  Plaintiffs pro se,	Civil Case No.:  BYDEPUTY  COMPLAINT FOR DAMAGES  AND FOR INJUNCTIVE RELIEF.
U.S. BUREAU OF CITIZENSHIP & IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, & MR. GREGORY COLLETT in his representative capacity as District Director Baltimore Field Office Bureau of Citizenship & Immigration Services U.S. Department of Homeland Security 3701 Koppers Street Baltimore, Maryland 21227  Defendants.	/ ) ) ) ) ) ) ) ) )

#### COMPLAINT FOR INJUNCTIVE RELIEF

This is an action under the Freedom of Information Act, 5 United States Code § 552 et seq. ("FOIA") and the Privacy Act 5 United States Code § 552a et seq. ("Privacy Act') by the Plaintiffs pro se, jointly and severally, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from Plaintiffs by Defendants United States Department of Homeland Security ("DHS") and its component Bureau of Citizenship & Immigration Services ("BCIS") and Gregory Collett, in his representative capacity as the Baltimore District Director of the Baltimore Field Office of the BCIS.

### Jurisdiction and Venue

The United States District Court for the District of Maryland has both 2. subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 United States Code § 552(a)(4)(B) et seq. and 5 United States Code § 552a(g)(3) et seq.

3. This Court has jurisdiction over this action pursuant to 28 **United States Code** § 1331. Venue lies within the District of Maryland pursuant to 5 **United States Code** § 552(a)(4)(B).

# The Parties.

- 4. Plaintiff Victor H. Sparrow, III is a citizen of the United States by birth ("Sparrow"). Plaintiff Ying Jin is a citizen and national of the People's Republic of China by birth in Zhejiang Province. People's Republic of China on November 29, 1966 ("Ying"). Sparrow and Jing married in Hangzhou, China on November 29, 2014. Sparrow filed and Ying is the beneficiary of an approved "Petition to Classify" adjudicated by the Consulate of the United States at Guangdong, China as the "immediate relative" of a United States Citizen (BCIS Form I-130) (BCIS File Number: A# 059-225-843).
- 5. In that status Sparrow and Jin entered the United States in June 2015 at Los Angeles, California as Applicant and Beneficiary.
- 6. Plaintiffs Sparrow and Ying reside together as husband and wife at 1616 Park Avenue, Baltimore, Maryland 21217.
- 7. Plaintiffs Sparrow and Ying subsequently filed a completed "Application to Remove Temporary Conditions of Residency" (BCIS Form I-751). Ying has also filed a completed "Application for Naturalization" (BCIS Form N-400).
- 8. These completed applications together with supporting materials and FOIA and Privacy Act requests remain outstanding and unadjudicated by the United States Bureau of Citizenship and Immigration Services notwithstanding three (3) joint personal interviews at its Baltimore Field Office.
- 9. Defendant United States Bureau of Citizenship and Immigration Services with its Baltimore Field Office at 3701 Koppers Street, Baltimore, Maryland 21227 ("BCIS") under the supervision of Defendant District Director Gregory Collett is a component agency of the United States Department of Homeland Security ("DHS"), BCIS, DHS, and Collett are jointly and severally responsible for the adjudication of the applications filed by Sparrow and Ying with the jurisdiction area of the Baltimore area.

## Plaintiffs' FOIA and Privacy Act Requests and Defendants' Failure to Respond

10. Plaintiffs Sparrow and Ying throughout the application process have filed numerous unanswered FOIA and Privacy Act requests with BCIS and DHS for information under the Freedom of Information Act and Privacy Acts.

- An example of one of these many requests dated April 22, 2019 is attached and incorporated by reference in this Complaint as if fully set out herein as Exhibit "I." The requisite language in the request has been underlined and highlighted for the ready reference of the Court and counsel.
- 12. Plaintiffs are with respect to all pending FOIA and Privacy Act requests "... deemed to have exhausted [their] administrative remedies with respect to such requests..." because of the failure of Defendants to respond in any manner within the periods mandated by the Freedom of Information and the Privacy Acts. (5 *United States Code* § 552(a)(6)(c)(i) *et seq.*
- 13. The Defendants have wrongfully withheld and continue to withhold the requested information and materials from the Plaintiffs.

## Requested Relief

WHEREFORE, the Plaintiffs pray that this Court:

- A. order Defendants to disclose the requested records and materials in their entireties and make copies available to Plaintiffs;
- B. provide for expeditious proceedings in this action;
- c. award Plaintiffs their costs and reasonable attorneys' fees;
- D. grant such other and further relief as the Court may deem just and proper including adjudication of the pending applications.

The Plaintiffs respectfully demand a trial by jury of all causes of action herein and an order allowing, permitting, and providing for the electronic filing of all pleadings and papers in this cause.

Dated: November 3, 2019

Respectfully submitted,

**YING JIN** 

Plaintiff **pro se** 1616 Park Avenue

Baltimore, Maryland 21217 \United States of America

VICTOR H. SPARROW, III

Plaintiff **pro se** 1616 Park Avenue Baltimore, Maryland 21217 United States of America

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# VERIFICATION

We, Ying Jin & Victor H. Sparrow, III, in our personal capacities based upon our own personal knowledge state and declare under penalty of perjury including but not limited to 28 *United States Code* § 1746 under the laws of the State of Maryland and those of the United States of America, that we have read and are thoroughly familiar with each of the allegations of the foregoing "Complaint for Damages & Injunctive Relief." Each of the allegations ii it is true and correct based upon our own personal knowledge. Each of the documents attached to this Complaint is a true xerographic copy of a document which is now or has been in our possession.

Executed on this 3rd day of November 2019 at the City of Baltimore within the State of Maryland.

Dated: November 3, 2019

Ying Yin

Alaintiff pro se

Hetor H. Sparrow, III

Plaintiff pro se